



UNIVERSITY *of*
RWANDA

COLLEGE OF ARTS AND SOCIAL SCIENCES
CENTER FOR CONFLICT MANAGEMENT (CCM)

**CONDITIONAL RELEASE AND ITS IMPACT ON SAFETY AND
SECURITY IN PRISON**

Case Study: Musanze Prison

A thesis submitted in partial fulfillment of the requirements for the Award of a
Masters of Arts degree in Peace Studies and Conflict Transformation.

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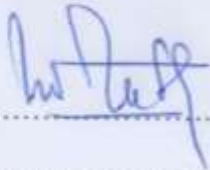
May, 2020

DECLARATION

I, Bonaventure MUVUNYI, by submitting this dissertation titled: "Conditional Release and its Impact on Safety and Security in Prison", hereby declare that the entirety of the work is my own, original work, that I am the sole author and that it has never been submitted before for any award in any university or publication.

All references and sources have been acknowledged.

Signature.....



Students' name: **Bonaventure MUVUNYI**

Date 1 / 01 / 2020

DEDICATION

To the almighty God

To my beloved wife Claire

To my beloved daughter Chloe

To my parents and extended family

To all my friends and relatives

This work is dedicated.

ACKNOWLEDGEMENTS

I would like to extend my sincere gratitude and consideration to those who supported me directly or indirectly in carrying out this research.

First and foremost I thank almighty God for providing me grace and wisdom to complete this thesis. I would like to express my sincere consideration to my friends and relatives for their moral support.

I wish to extend thanks to the management of University of Rwanda especially the Center for Conflict Management, Rwanda Correctional Service and Rwanda National Police College, for their facilitation that helped me in achieving this level.

Never can I forget my supervisor, Dr. Alida FURAHA UMUTONI whose supervision, criticisms and guidance were so much empowering, even though she was very occupied by different academic activities, but she accepted to bear the responsibility of taking over with her generous heart during the course of this thesis; I owe her profound appreciation.

I would like to express my sincere and heartfelt thanks to Mr. Callixte UWINGABE and everyone who has supported me either morally or financially during the accomplishment of my studies.

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God bless you all!

Bonaventure MUVUNYI

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AUTHORIZATION



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AUTHORISATION TO SUBMIT THE DISSERTATION FOR EVALUATION

I, undersigned Dr FURAHA UMUTONI Alida, hereby testify that under my supervision, Mr. Bonaventure MUVUNYI has successfully completed writing his MA dissertation titled **“Conditional Release and its impact on Safety and Security in Prison; A Case study of Musanze Prison”**.

Therefore, he stands with my authorization to submit required copies to the Administration of CCM for evaluation.

Done at KIGALI

Date: 07/05/2020

A handwritten signature in blue ink, appearing to read 'Furaha Umutoni Alida'.

Names and signature of the Supervisor: Dr Furaha Umutoni Alida

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LIST OF ABBREVIATIONS AND ACRONYMS

| | |
|-----------|---|
| %: | Per cent |
| Dr: | Doctor |
| Ed: | Edition |
| Et al.: | And others (Latin for et alia) |
| IACHR: | Inter-American Commission on Human Rights |
| Ibid: | Latin for ibidem, which means 'in the same place' |
| IPA: | Integration and Probation Adviser |
| JRLOS: | Justice, Reconciliation, Law and Order Sector |
| No: | Number |
| Op. cit.: | Latin and stands for Opere citato, which means 'in the work cited'. |
| P: | Page |
| PhD: | Philosophy of Doctorate |
| Pp: | Pages |
| PRI: | Penal Reform International |
| RCS: | Rwanda Correctional Service |
| RIB: | Rwanda Investigation Bureau |
| SEJ: | Sentence Enforcement Judge |
| UN: | United Nations Organization |
| UNODC: | United Nations Office on Drugs and Crime |
| UR: | University of Rwanda |
| Www: | World Wide Web |

ABSTRACT

This study examines the impact of conditional release on safety and security in prison. The study is located in the domain of peace studies and conflict transformation given that prospect of conditional release may led to the reduction of conflict and insecurity in the prison in transforming a former law-offender and changing him/her into a law-obeying citizen.

The study has been conducted in Musanze prison, located in Musanze district and has covered the period of time going from the year 2017 to the year 2019.

The general objective of this study was to explore how conditional release helps to maintain both prison safety and security. For the achievement of this general objective, the research has been guided by some specific objectives included in the text. The main question of the study is: “To what extent is conditional release helping to maintain both prison safety and security in Musanze prison?”

In this research, Data were collected through qualitative research methodology and; to determine the sample size, it has relied on purposive sampling.

The findings of the study have shown that awareness of the law on conditional release is not the problem. However, findings revealed that the issue is related to the will of civil servants in charge of arranging required operations and granting that conditional release to all applicants fulfilling required conditions. Concerning the measures that can be taken to make this release regular and applicable to all rightful applicants, inmates suggest strict respect of the law, without disturbing inmates with directives which should not contradict written law.

Figures about recent conditional release from the year 2017 to 2019 show an increase of inmates released, but crimes not eligible to conditional release are also changing and increasing and what is worse is the fact that eligibility or non eligibility is not applied similarly for all prisoners. The respondents stressed that to serve as an incentive to good discipline; this conditional release must be regular, not only in occurrences but also in being granted to everyone who fulfils required conditions.

As it is displayed, the figures of disciplinary punishments that have found after checking the archives of Musanze prison to verify how these punishments have been used to punish inmates offending the internal disciplinary code; the figures of punished inmates have been decreasing whereas the figures of beneficiaries of conditional release have been increasing. So, from these figures, the research can conclude that the expectation of conditional release plays a positive impact on the maintaining of safety and security in Musanze prison. Thus, the general objective of exploring how conditional release helps to maintain both prison safety and security has been reached.

In fact, this research is an important contribution of corrections and rehabilitation studies. A work like this one is often an important source of knowledge for concerned readers as well as potential researchers.

CHAPTER ONE: GENERAL INTRODUCTION

1.1. Background of the study

Safety and security constitute the major preoccupation of prison management. United Nations Office on Drugs and Crime (UNODC, 2010) notes that safety and security through control and disciplinary measures should be given priority within prison. At the same time, UNODC (2010) notes that prison safety regards not only prisoners, but staff and visitors are also of high concern. It has been highlighted that safety of prisoners, staff and visitors are also likely to constitute the highest priority of any mindful prison leader. Of course, these measures of control and discipline should be proportional to the category of prisoners and level of means at the disposal of the prison leader.

UNODC (2010) explained that security measures deal with all actions that are taken by prison leaders to prevent prisoners from escaping or causing harm to others including staff. Moreover, safety measures are also about all the actions that the prison authorities put in place in order to take and to maintain good order and control inside prison with the ultimate goal of preventing prisoners of any disruptive behaviour susceptible of harming unprotected vulnerable prisoners.

Furthermore, UNODC (2010) referred to conventional means of security including walls, bars, locks, keys, gates, movement detectors, other technological devices and perimeter sterile areas. They also mentioned procedures of security and safety which include proper categorization and assessment, searching and standing operation procedures.

UNODC (2010) stated that careful classification of inmates on the basis of risk evaluation is one of the most critical measures that prison authorities will take to maintain protection and security in their prisons. "The security procedures the inmates are exposed to should be the least necessary to secure their protection. That helps correctional personnel to track more accurately the limited number of prisoners who present a potential risk to others; it also means that the correctional climate remains as individual as practicable and that budgetary resources are not excessively expended to guarantee extremely protected facilities for a vast number of prisoners who do not warrant such a degree of security (UNODC 2010, p. 99).

Even if prisoners have to complete their sentence behind bars, it is expected that the prisoners who meet some requirements of the law might apply for conditional release (Official Gazette n° Special of 08/11/2019, Law N° 027/2019 of 19/09/2019 relating to the criminal procedure articles 232, 233, & 234). This is done all over the world. And even in Rwanda, this intervenes as one of the measures that may lead to successful reintegration of released prisoners within society as well as a response to the fact that prison is most of the time crowded.

Rwanda continues to deal with prison overcrowding which can have negative impact on safety and security in prison, particularly primary data from the Musanze prison registrar's office shows that transfers were made to other prisons to minimize population that was disproportionate to incarceration capacity (Musanze Prison report, Jan 2020). The preoccupation of this study was the assessment of the impact that conditional release may have on safety and security in prison.

1.2. Statement of the problem

Cole (2016) pointed out that in many countries worldwide, prison population rates are high and have risen significantly since the 1990s. He adds that it is now reliably estimated that there are over ten million prisoners in the world and that prison populations are growing in all five continents.

Sarkin (2019) found that negative public perceptions about African prisons are widespread, but fortunately often untrue. He added that prisons in Africa are generally recognized for their overcrowding, presenting poor state of physical repair and housed in neglected buildings. To worsen the situation, maltreatment by warders and violence by prisoners become normal at the long run.

Sarkin (ibid.) believes that prisons play a central role in the affairs of a state. He added that prisons constitute a critical part of the criminal justice system, causing a dramatic effect on state budgets. Impact of prisons has effects on many government departments including justice, health, public works, safety and security, and many others.

Many African countries have initiated prison reforms. However, what is important is how the planned changes could have a positive budgetary effect. So, much more emphasis should be placed on economic studies that evaluate prisons and how their costs and issues like bail,

reducing the length of prison sentencing, and alternative punishment to prison would play a role in reducing the numbers of people in prison. The same author revealed that “in this regard, Mozambique, Nigeria, and Rwanda are exploring using community service punishments as a means to reduce the prison population (Sarkin, *ibid.*, P. 8).

In Kinyarwanda the word ‘*umutekano*’ translates both security and safety. Thus, it might be confusing for a Rwandan to distinguish them, since these words actually do not exist in Kinyarwanda. For the UNODC (2010) security measures refer to the actions that the prison authorities take to prevent prisoners from escaping or causing harm to others. Both safety and security are needed inside prison. Unfortunately, it seems not very easy to expect such conditions from people who have been convicted of criminal acts and not yet rehabilitated to live a law-abiding life. Hence, conditional release comes as a boost reminding inmates that keeping and maintaining security and safety in prison has some benefits including being granted freedom on that condition.

In Rwanda, according to Rwanda Correctional Service (RCS) the incarcerated population is actually around Seventy-three thousand (73,000) (RCS Report Dec 2019).

A recent annual report of Rwanda Correctional Services (RCS) has issued a report from the office of the Commissioner General on inmates and released inmates’ trend from August /2018 to August 2019 on Nyarugenge prison. This report showed that new inmates from RIB were sixty thousand eighty-eight (6088), while released prisoners were four thousand eight hundred and twenty-two (4822) (RCS, monthly report, Sept 2019).

From the above figures, it is clear that the number of prisoners entering prison is bigger than the number of prisoners being released from prison. Considering the occupation and accommodation capacity of prison buildings, prisons are more and more getting overcrowded. So, as it has been stated by Sarkin (2019), issues like bail, reducing the length of prison sentencing, and alternative punishment to prison would play a role in reducing the numbers of people in prison. One of those solutions intended to reduce the number of inmates in prison is granting conditional release to applicants who fulfil the conditions.

The Organic Law N° 027/2019 of 19/09/2019 relating to the Code of Criminal Procedure in article 232 provides grounds for release on parole and stipulates that a person sentenced to one or several penalties of imprisonment can be granted release on parole on the following conditions:

1° if he or she sufficiently demonstrates good behavior and gives serious pledges of social rehabilitation;

2° if he or she suffers from serious and incurable disease approved by a recognized medical doctor;

3° if he or she has already served his or her penalty for a period of time provided for under Article 233 of this Law depending on the offences of which he or she was convicted (Organic Law N° 027/2019 of 19/09/2019 relating to the Code of Criminal Procedure, in Official Gazette n° Special of 08/11/2019).

Demonstrating good behavior as it is mentioned on point 1° of this article 232 relates to the observance of disciplinary measures aiming at granting safety and security inside prisons.

So, this study aimed at evaluating the impact of conditional release on safety and security in prison. This has been reached through the identification of the successes of conditional release as well as some challenges and how they would have been overcome.

In Musanze prison in particular, incarcerated population was estimated at three thousand (3,000). But given the exiguity of incarceration space, this number is much higher compared to the prison capacity which in return, without any grain of doubt, impacts negatively on the safety and security in the prison (Sarkin, 2019, p. 8).

Therefore, Figures about recent conditional release from the year 2017 to 2019 shows an increase of inmates released, but unfortunately crimes not eligible to conditional release are also changing and increasing (Archives, Musanze prison, 2019).

So, expectation of conditional release should moderate the inmate and keep him or her careful not to disturb safety and security in prison. Thus, the general objective of exploring how conditional release helps to maintain both prison safety and security has been reached. Therefore, this study was intended to analyse the impact that conditional release of prisoners can have on the safety and security in Musanze prison.

1.3. Objectives of the study

The general objective of this study was “**To explore how conditional release helps to maintain both prison safety and security**”.

For the achievement of this general objective, the research has been guided by the following specific objectives:

- To analyze how the expectation to get conditional release enhances safety and security in prisoner.
- To identify different mechanisms to ensure regular occurrence of conditional release.

1.4. Research questions

In this study, the following main research question was formulated: “To what extent is conditional release helping to maintain both prison safety and security?”

In connection with the main research question, this study endeavours to address the following sub questions:

- How do applicants to conditional release behave while facing prerogatives of security and safety in Musanze prison?
- What do inmates appreciate and what do they not appreciate about the process of getting conditional release?

1.5. Significance of the study

The results of the study are believed to inform the policy makers in formulation of conditional release programs. In addition, the recommendations from this study will inform Rwanda Correctional Service in rehabilitation and reintegration of convicted inmates as it serves as means of understanding and reducing criminality by addressing the existing challenges faced by overcrowding and protection of vulnerable prisoner, as well as the understanding of the existing needs in implementation of conditional release.

This study constitutes a big input in management of prisons in terms of safety and security in prison as their major preoccupation in prison management. Also, this research will facilitate prison managers to know attitudes of inmates vis a vis conditional release.

This study with no grain of doubt demonstrates the effects of conditional release on safety and security in Musanze prison. Moreover, this study constitutes a huge input in correction and rehabilitation studies. In addition to this a research like this one is an essential source of information for interested readers as well as for future researchers.

As an officer and manager in the Rwanda Correctional Service (RCS), with the aim of exploring the impact of conditional release on safety and security, this study constitutes a contribution and an icebreaker for my career and helps me to improve knowledge in correctional practices with a view to serve the society by addressing security through the correctional system.

Finally, this study is done in partial fulfillment of the requirements for the Award of a Masters of Arts degree in Peace Studies and Conflict Transformation.

1.6. Scope and delimitation of the study

This study examined the impact of conditional release on safety and security in prison. The study is located in the domain of peace studies and conflict transformation given that prospect of conditional release may led to the reduction of conflict and insecurity in the prison in transforming a former law-offender and changing him/her into a law-obeying citizen.

The area of the study was Northern Region, Musanze District, specifically, Musanze prison.

In terms of time, this study covered the period from 2017 to 2019. It is from the year 2017 that report from RCS started to show that conditional release implementation is at least regularly applied.

1.7. Structure of the study

This study is divided into five chapters. The first chapter deals with the general introduction. The second chapter is about the review of literature and the conceptual/theoretical framework. Chapter three covers the methodology to be applied in this research. Chapter four is about presentation, analysis and interpretation of the research findings. Chapter five is about the summary of the findings, the general conclusion, and suggestions.

CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

This chapter contains two sections. The first section is about the literature review on writings in relation with the study and the definitions of concepts; these definitions will help to avoid confusion resulting from terms with several interpretations. The second section deals with theories of imprisonment, conditional release, security and safety because they are closely related with this study.

2.1. Literature Review

2.1.1. Definition of key concepts

The case study presented in this research focuses on the concepts of prison, prisoner, security, safety and conditional release.

➤ **Prison, prisoner, detainee and inmate**

According to Andrew Coyle (2010), Prison is an institution for the confinement of persons who have been remanded (held) in custody by a judicial authority or who have been deprived of their liberty following conviction for a crime. A person found guilty of a felony or a misdemeanour may be required to serve a prison sentence.

According to Penal Reform International (PRI), an inmate is a person deprived of liberty and kept under involuntary restraint, confinement, or custody under arrest, awaiting trial, on trial, or serving a prison sentence.

The law N° 34/2010 of 12/11/2010 on the establishment, functioning and organization of Rwanda Correctional Service (RCS), article 3 defines:

Prison as a place established by a Presidential Order where persons are incarcerated following a court decision; Prison is described as a place where people were taken as criminal punishment they have perpetrated, sometimes while awaiting trial (the synonym is jail). **Prisoner** as a person serving a sentence in prison following a court final decision; detainee as any person incarcerated in accordance with a court decision but who has not been tried and sentenced; **Inmate** stands for both terms of detainee and prisoner (law N° 34/2010 of 12/11/2010 on the establishment,

functioning and organization of Rwanda Correctional Service (RCS), in Official Gazette n°04 of 24/01/2011). From these various definitions, there are many similarities, but in order to avoid any confusion or misunderstanding, in this research, the terms prison, prisoner, detainee and inmate are used as defined by the law establishing RCS because, this study is done in Rwandan Prison and in the context of Rwanda.

➤ **Security**

Security is freedom from any possible damage (or other unwelcome arbitrary change) induced by another, or resistance to it. Security beneficiaries (technically referents) can be individuals and social classes, artifacts and organizations, environments or some other individual or phenomena prone to adverse shift. In fact, security is related to the presence of peace, safety, happiness and the protection of human and material resources or the absence of crisis or threats to people.

Security is human dignity, all of which facilitate development and progress of any human society (Muyiwa A, 2019, p.2). In other words, and in the context of this dissertation, security means safety, as well as the measures taken to be safe or protected.

➤ **Security in prison**

Security in prison is a level used by prison systems in various countries, which offer an enhanced level of security to prevent prisoners from escaping and from doing harm to other inmates or security guards (UNODC, p.29, 2015). Security in prison means to keep society out and to keep inmates in. Therefore, high walls or fences and detection systems are essential when building a prison. Prison officials are responsible for the security measures that the physical design cannot control. UNODC stated that “security measures in prison refer to the actions that the prison authorities take to prevent prisoners from escaping or causing harm to others. Conventional means of security include walls, bars, locks, keys, gates, movement detectors, other technological devices and perimeter sterile areas” (UNODC, 2010, p.99).

➤ **Safety**

Safety is the condition of being protected from harm or other non-desirable outcomes. Safety can also refer to the control of recognized hazards in order to achieve an acceptable level of risk (Secuk NAS, 2015). Safety is an environment of social stability and harmony and justice that safeguards human rights and freedoms at the personal, state, global or international level; respect for the principles and the physical, economic and psychological dignity of individuals; and successful prevention measures.

➤ **Safety in prison**

As it has been stated by UNODC (2010), “safety measures refer to the actions that the prison authorities take to maintain good order and control in prison to prevent prisoners from being disruptive and to protect vulnerable prisoners. In addition, it has been précised that safety measures in prisons should be supported by a disciplinary system that is fair and just” (UNODC, 2010, p.99).

Sometimes, it is not easy to differentiate safety from security in prison, but the difference comes in the open in the following statement by UNODC (2010) which states it was then "Overall, it is recognized that safety and security in prisons rely on maintaining a supportive environment that promotes prisoner cooperation. Internal safety (preventing disorder) and External security (preventing escapes) are better maintained by establishing relationships prisoner-staff” (UNODC, 2010, P.106).

For Mc Guckin (2017), “Safety measures in prisons should be supported by a disciplinary system that is fair, just and transparent” (Mc Guckin, 2017, p 41).

➤ **Conditional release**

In an effort to reduce the overcrowding of prisons, which in the 1980s was a global problem, a great deal of research has been carried out with a view to finding alternative means to imprisonment. The report of the open-ended intergovernmental expert group meeting on the United Nations standard minimum rules for the treatment of prisoners met in Vienna on 31 January-2 February 2012(UN open-ended intergovernmental expert group, 2012, p. 3) issued

concluding propositions, articles 23 to 25, dealing with conditional release states that the development of measures should be promoted which reduce the actual length of the sentence served, by giving preference to individualized measures, such as early, conditional release (parole), over collective measures for the management of prison overcrowding (amnesties, collective pardons); reiterates that parole (or conditional release) should be regarded as one of the most effective and constructive measures, which not only reduces the length of imprisonment but also contributes substantially to a planned return of the offender to the community; in order to promote and expand the use of parole, best conditions of offender support, assistance and supervision in the community have to be created, not least with a view to prompting the competent judicial or administrative authorities to consider this measure as a valuable and responsible option.

In Rwanda, the immediate aftermath of the 1994 genocide against the Tutsi, in response to the demand of justice, and more importantly due to the post-genocide government's commitment to end impunity, thus, as time went by, the number of suspect genocide perpetrators sent to prison within Rwanda never ceased to increase as new arrests were being made, hence quickly resulting into prisons overcrowding. In 1997, Paul Kagame, then Vice-President of the Transitional Government, had already declared his intent to see alternative methods to long-term imprisonment and transitional justice being introduced in Rwanda. In this regard, Paul Kagame gave, at that time, an example of some form of community service orders (TIG), hence reaffirming the political will that conditional release ought to be considered as an alternative to retributive justice and long-term imprisonment (NURC, P.36, 2015).

However, despite this clear political intent, it took nearly 6 years before not only conditional but also unconditional release measures could be adopted and come into force. On 1 January, 2003, a presidential decree ordered the release of various categories of detained genocide suspects as well as other inmates for other various crimes. Now, the code of criminal procedure regulates the conditional release.

Klaus (1998) defines conditional release as the release of an offender from confinement for a specified period of time for humanitarian or program purposes. Those programs include: parole,

work release, day parole, escorted temporary absences, unescorted temporary absences (KLAUS, 1998, p. 113).

De Villers (2000) describes that the aim of conditional release is to relate to the preservation of a fair, safe and stable environment by decisions on timing and release conditions that will better promote the recovery and reintegration of criminals into the society as law-abiding citizens (De Villers, 2000, p. 23).

To De Villers (2000), the primary role of the program of probation and early release is to execute prison sentences passed down by criminal courts. It will be required to insure that the perpetrator is eventually reintegrated into the society as a law-abiding person who will not reoffend or victimize others.

2.1.2. Different approaches to safety and security in prison

According to Coyle (2002), prison as it operates now reflects a comparatively conservative Western criminal justice framework. He claimed that it has expanded across the globe in the past two centuries as a consequence of imperial globalization and is now to be found in nearly every state, including quite a few in the developed world, which has no traditional understanding of incarceration in their societies.

To illustrate this, the African and South Asian examples are self-explanatory. For example, in many countries in sub-Saharan Africa and South Asia, prisons are located in buildings that are well over a century old. Such detention centers are an old imperial tradition, British, French or Portuguese. Being in a town that is otherwise quite African in nature and turning a corner to be met by a grandiose construction that is a small imitation of a penitentiary in a major European region, is quite disconcerting. Prisons like this are totally inappropriate to local culture. They were initially designed not to defend local citizens but as a way of regulating local people for colonial power (Coyle, 2002, p. 38).

Scott (2014) observed that prisons, whatever the type of building housing them, represent an enormous challenge for the management of inmates living in such confinement. One important aspect of managing inmates relates to their behavior and to understand what motivates their behavior. This came from experience which demonstrated that if a prison does not fulfill the

basic necessities of the prisoners, the prisoners would find a way to fulfill their needs in forms that may be harmful to the prison's orderly function. Perception what excites human behavior offers prison authorities with a very important tool for handling inmates, as it allows understand positive and negative behavior (Scott, 2014, p. 9).

The Inter-American Commission on Human Rights (IACHR) stated that the idea that Governments have successful control over prisons means that they must be able to maintain internal discipline and protection within prisons and not limit themselves to the exterior perimeters of the prisons. It should be able to ensure the health of the detainees, their family members, guests and those who operate in the facility at all times.

While discussing on security and safety in prisons, UN reporters (UNODC, 2016) took the case of high risk prisoners and pointed out that “the handling of high-risk inmates poses a challenge to prison officials, given that they must strike a balance between the threat posed by such offenders to discipline within prisons and the State's duty to handle all prisoners decently and humanely.

All prison management should understand the importance of continually striving to achieve and sustain a balance between security and safety, order and justice. The degree of control over all the people's everyday lives and the movement of detainees must not surpass those criteria” (UNODC, 2016, p.79).

Balance can be described as the lack of aggression, explicit confrontation or the impending threat of the disorderly collapse of social rituals in a prison setting. To that purpose, it is quite wrong to assume that managing offenders with integrity and fairness will result in reduced correctional compliance and risk the safety of staff and other prisoners.

On the opposite, the goal of keeping peace will only be done in a well-ordered, stable environment for prisoners and workers. Therefore, the prison should have an environment in which (as pointed out by reporters of UNODC):

- All prison community members believe that they are being handled with justice and fairness; and that
- Inmate has the opportunity to participate in positive activities that allow them for freedom.

The UN report indicated that not only should high-risk inmates with vulnerabilities and special needs be kept in a safe atmosphere, but they also have to feel safe in terms of their physically and psychologically health. If prison administrators are unable to provide safe facilities, offenders may look to other prisoners for security. This is especially the case in prisons that hold high-risk inmates, where feeling vulnerable can cause prisoners to enter prison gangs; pay for security (in goods or services); or engage in illegal behavior (such as stealing drugs, engaging in riots or attacking other prisoners or employees) in exchange for protection (UNODC, 2016, P. 79).

The Nelson Mandela rules in art. 36, states that: “Discipline and order shall be enforced without any limitations than are required to guarantee safe detention, secure operation of the prison and well ordered social cohesion”.

In Europe, the rule 49 of the European prison rules states that the effective prison order shall be preserved by considering the safety, security and discipline necessities, while at the same time providing detainees with living standards which value human dignity and providing them a complete program of activities (UNODC, 2016, p.81).

As it has been highlighted by Penal Reform International (PRI, 2013), keeping order and security is essential in houses of imprisonment. Safety and security from a human rights context is an essential part of the State's duty to defend people deprivation of their freedom. The State exercises an expanded obligation of security by strictly limiting an individual's right of movement and capacity for self-defense.

Providing safety involves implementing steps to deter and respond to fires or other incidents, including ensuring adequate working standards for inmates including personnel. It also comprises measures to avoid and minimize violence and self-harm rates (PRI, 2013, p. 4).

Security in prisons has a number of mechanisms (PRI, 2013, p. 4):

First, there is the issue of external security (often referred to as fence or physical defense) targeted at preventing escapes and any unwelcome and illegal interaction with the outside world. It is done primarily by way of concrete infrastructure, such as jail cells, walls and gates, detectors and warning devices.

Second, there is the issue of protection within the jail, also referred to as procedural security or regulation. Procedural monitoring includes topics such as how inmates travel about the prison, what belongings they are allowed to have, how they are searched and their guests, as well as the general everyday procedure. Adequate and appropriate discipline regulations which it is the duty of both inmates and personnel to follow lead to a well-ordered community.

Efficient procedural protection needs not only a consistent collection of regulations but personnel that are sufficiently number, appointed on merit, well equipped and properly compensated (PRI, 2013, p. 4).

As it has been highlighted by the UNODC in the principles and best practices on the protection of persons deprived of liberty in the Americas, especially in Principle XXIII, the following measures were adopted so as to ensure that protection. These measures are mainly preventive.

Relevant and efficient measures shall be considered in compliance with international human rights legislation to deter conflict between persons deprived of liberty or between persons deprived of liberty and employees. To do that, the following steps shall be taken, inter alia:

- Differentiate the various categories of people deprived of liberties in compliance with the requirements established;
- Provide employees with daily and sufficient preparation and instruction;
- Increase the number of workers responsible for internal security and monitoring;
- Prevent the existence of arms, narcotics, drugs and other artifacts that are specifically prohibited, by routine checks and assessments, including through the use of suitable technical and other approaches like staff reviews;
- Establish early warning systems to avert crises or emergency situations;
- Facilitate reconciliation and mediation of internal disputes;
- Avoid and counter all forms of abuse of power and corruption;
- Eliminate impunity by prosecuting and punishing any acts of violence and misconduct under the law; (UNODC, 2016, P. 80).

UNODC (2016) pointed out that order, within the prison context, can be defined as the absence of violence, overt conflict or the imminent threat of the chaotic breakdown of social routines. From the advent of modern prisons, prison staffs have been presented with the fundamental issue of how to preserve discipline, i.e. how to avoid disorder.

There was a need to maintain discipline in prisons and, unless there is justice, none of the positive aspects of incarceration, such as recovery, can be accomplished. There is also a possibility that disorder could be used as a provocation or excuse to make it easier for high-risk inmates to flee.

At the same time, it is important to keep in mind that States have an obligation to safeguard the right of all to personal security. The right to personal safety prevents people against deliberate physical or mental harm, regardless of whether the person is being arrested or not (UNODC, 2016, p.80).

The issue of keeping safety, security, order and discipline in prison is very delicate and requires balancing;

That balances legitimacy, fairness and justice. Prison administrators should guarantee that prisoners and staff perceive the prison operation as legitimate, fair and equitable and that security, order and justice are kept in balance (UNODC, 2016, p.80).

Balancing security measures is important because security and order could be accomplished by unreasonable supervision in high-security prisons, but to do so would render the prison draconian, repressive, authoritarian and overcontrolled. Oppressive imprisonment and oppressive violence and coercion, even when handling high-risk prisoners, have no place in a modern prison system.

There is really no single answer about where the equilibrium between the three aspects of security, order and justice will lay. The right balance would rely on the prison population, the external context and the information at any given time about what is occurring in the prison. Prison management will continually make absolutely sure that one aspect does not impinge on the other to such a degree that it destabilizes the prison, in particular when handling high-risk inmates.

Throughout fact, prisons may vary throughout ideals such as humanity, relationships, respect, order, trust, fairness, well-being and dignity to a significant degree. The goal for prison administrators is to oversee their facilities in such a manner that these moral ideals are integrated into their community and are valued by both workers and prisoners (UNODC, 2016, P. 81).

For prisoners, justice in prison encompasses:

- The basic “quality of life”, such as adequate living accommodation, food, bathing, visits, exercise, clean clothes;
- Various informal aspects of prison life, including the manner of prisoners’ treatment by staff; and
- Formal system features, especially the grievance and disciplinary systems.

Some perceived inequality contributes to a collapse of order. Many high-risk inmates have a clear sense of justice and what they can and cannot reasonably anticipate from life in prison, and this "legitimate expectation" can only result in order and safety.

Prison administrators must be seen to be behaving reasonably at all times (in terms of formal rules) and in ways that show justice and provide clear reasons for using their control (UNODC, 2016, p. 81).

The United Nations standard minimum rules for the treatment of prisoners (the Nelson Mandela Rules); Rule 95 stipulates that the systems of rights appropriate for separate classes of offenders and different treatment approaches shall be established in each institution in order to encourage good behavior, develop a sense of duty and maintain the participation and compliance of prisoners in their treatment (UNODC, 2016, p. 83).

Finally, the idea of rewards is one that has been grappling with prison systems around the country for many years. This is based on the idea that promoting good behavior and avoiding bad conduct is a philosophy that pervades all aspects of society.

It does seem incontrovertible for the management of prisons that inmates are more likely to behave more appropriately and make the best use of their jail time, whether they believe their commitment and effort will be compensated in some way.

These systems encourage moral compliance by rational choice. Enabling prisoners to benefit from responsible behavior allows prisoners to participate in the preparation of sentences and promotes a more organized and regulated atmosphere that is healthier for workers and inmates (UNODC, 2016, p. 83).

The use of incentives is widespread, it is found in many places and in different services, even though the level of sophistication varies. At the core of all approaches is that well-planned incentives god, and positive behavior. In the context of prisons, incentives give some hope for inmates serving long sentences, who otherwise feel that, however, they have nothing to risk

however poorly they act. Arrangements around benefits should be equitable, reasonable and not prone to unfair discrimination. They can support the prison requirements and meet the needs of the population, where necessary (UNODC, 2016, p. 83).

In fact, in order to work successfully in a program of rewards and received rights, high-risk offenders will understand the importance of the process, how it works, what it could entail for them, and what conduct is necessary to obtain additional privileges. Prisoners who cannot interpret should have oral clarification of the specifics of the program.

Some countries often notify the families of the prisoners about the arrangement and how it works, in order to encourage them to seek additional privileges (UNODC, 2016, p. 84).

These incentives arrangements we have been discussed should always be fair, consistent and not subject to discrimination. They will meet prison conditions and, when possible, fulfil the needs of the population. There should be a scheme which makes prisoners believes that commitment and effort will be compensated in some way, encouraging prisoners to receive rewards in return for good conduct. One of these incentives is the conditional release, the topic of this research.

With regards to conditional release, many nations around the world have processes in place that enable offenders to be released before serving their complete jail term. Identifying various forms of early release systems and recognizing the steps that need to be taken before introducing them is needed. Early release can take several forms. They vary from correctional system relaxations that give the inmate a small amount of community interaction by conditional release, to early conditional release. All of these steps are important to the larger goal of minimizing the usage of incarceration and thereby promoting offenders' transition to society and their effective reintegration (UNODC, 2010, p.111).

Law 60 (2) of the United Nations Basic Minimum Rules for the Treatment of Prisoners stipulates that: "It is important, before the expiration of the term, to take the required measures to ensure a full return to life in community for the offender. This goal may be accomplished, depending on the situation, by a pre-release program arranged in the same organization or in another concerned organization, or by release on court under some sort of control not to be delegated to the police but coupled with successful social assistance (UNODC, 2010, p. 111).

A structure and a range of procedures need to be placed in motion in a conditional release scheme to guarantee reasonable and effective decision-making that supports the release of

prisoners. Beginning from the jail and continuing into the neighborhood, there will be a range of care with a network of friends and relatives willing to assist the inmate. There must be frequent and continuous interaction with the supervisory officers; and there should be a positive interaction with the offender and his supervisor so that he/she feels secure and confident enough to approach the supervisor if a need or concern occurs (UNODC, 2010, p. 112).

But before thinking about conditional release, the Penal Reform International (PRI) which is an independent non-governmental organization that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide reiterates the statement of Coyle (2002) saying that if a State deprives a person of his or her freedom, it incurs a obligation of responsibility to ensure that individual's dignity is protected. States will also maintain safe and secure detention centers for inmates, employees, guests and the outside world. These two responsibilities are not conflicting, rather go hand in hand, because security will only be maintained in a well-ordered and reasonably controlled environment that handles inmates with dignity and fairness (Coyle, 2002, p. 58).

Concerning conditional release, many other countries around the globe have methods in place to allow convicts to be released before completing their full prison sentence. Identifying different types of early release programs and understanding the precautions that need to be taken when implementing them is required. Early release can take several forms. They vary from prison regime flexibilities that allow the inmate a limited amount of community access through conditional release, to early conditional release. Both of these steps are important to the larger goal of raising the usage of incarceration and thereby promoting offenders' transition to society and their productive reintegration (UNODC, 2010, p.11).

In Rwanda conditional release and its application have been explained and specified in the law N° 027/2019 of 19/09/2019 relating to the criminal procedure (Official Gazette n° Special of 08/11/2019). Articles 232, 233 and 234 of this law deal with grounds for release on parole.

At least once a year, the Commissioner General of Rwanda Correctional Service submits to the Minister in charge of justice the list of applicants for provisional release. The list must show the following:

- Identification of the applicant for release on parole;
- Offence for which the applicant is incarcerated;

- The decision of the court at the last instance that convicted him or her;
- The sentence executed and the remainder;
- His or her conduct in prison with supporting evidence;
- Any other necessary information.

An order of the Minister in charge of Justice approves the release on parole of a convicted person and conditions imposed to him or her. The decision on release on parole is not subject to appeal.

In all these conditions, the one stating that a person must sufficiently demonstrate good behavior and give serious pledges of social rehabilitation has led RCS to elaborate a safety guide for inmates. To breach this guide for a detainee constitutes a disciplinary offence, which has an impact on conditional release.

Every prisoner ought to know these instructions and strive to respect them so as not to miss the opportunity of being granted conditional release; the inmate's involvement in safety keeping inside prison is often considered as a preliminary condition for applicants to conditional release.

The profile on safety and security in Musanze prison points to the organization of leadership inside the prison by inmates themselves. The main focus (in order of priority) is to maximize security and safety at and in prison. In terms of basic services, it is striking to notice that the organization inside prison is a copy paste of what happens in the local administration at the root level.

In the local administration out of prison, the hierarchy begins at village level and continues at cell level, sector level, district level, province and Kigali city, and finally the national level. The parallel administration in prison starts with zone (equivalent to village or umudugudu), it continues with bloc (equivalent to cell or akagari), and at the top there is prison (equivalent to sector or umurenge).

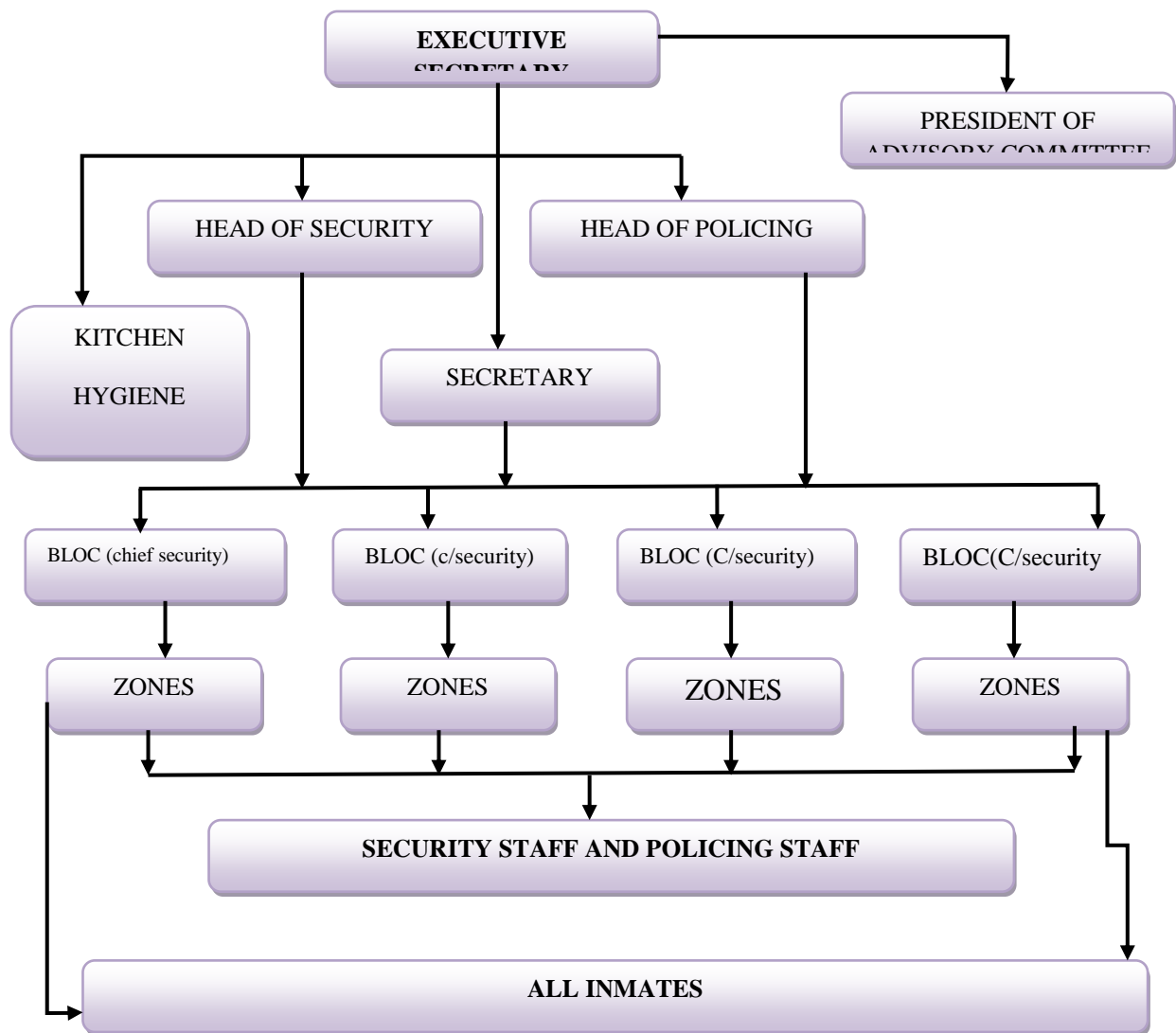
Policing with all its branches from the root to the top is oriented to crime prevention, collaborating closely with the intelligence service headed by an officer in the prison administration.

Concerning security with all its branches, it deals with the actions that the prison authorities take to prevent prisoners from escaping or causing harm to others (UNODC 2010). External security

(preventing escapes) and internal safety (preventing disorder) are best ensuring by building positive relationships between prisoners and staff. The inmate’s leadership concentrates on safety and security of which any offender faces harsh punishments.

The chart of inmate’s leadership in Musanze prison shows that safety and security are the main concerns of the leadership. It is striking to notice how all services converge on the inmate and work for the inmate. The inmate is so engulfed in the system that he or she has no way of escaping the close control and supervision exerted around him or her.

Chart of inmates leadership in Musanze Prison



Source: Archives Musanze Prison, 2020

Security services and staffs as well as policing services and staffs have the inmate (all of the inmates and everyone) in their patrolling target. Then, it is only when the inmate has a good report from safety and security services that he or she can engage in other services such as kitchen, hygiene, production branches, education, and maintenance, social and medical services. So, the leadership is organized in a way that facilitates the strengthening of safety and security. For sure, every inmate strives to get good report from safety and security services for the following reasons:

To get the chance of spending time in different services at prison and enjoy imprisonment;

To get the chance of being nominated as one of the inmates leaders;

To be eligible to conditional release when it is time to apply;

So the inmate, well aware that reports from security and policing services inside the prison influence the image that the prison administration have on him or her, collaborates with these services and, at the same time, strengthens safety and security in prison, but also ensuring support during the time of applying for conditional release.

Results from this research are expected to display the impact of conditional release on safety and security in prison.

2.2. Theoretical framework

The theoretical framework allows the reader to conceptualize the study in a broader context and in the field of knowledge. Thus, the theoretical framework for this study incorporates the necessary knowledge components used to prop up the purpose of the research.

This section is going to deal with theories which are relevant to the research topic. These are Crime prevention theory and theory of security in prison.

2.2.1. Crime Prevention theory

According to the USLEGAL definitions, the preventive theory is founded on the idea of preventing repetition of crime by disabling the offender through measures such as imprisonment, forfeiture, death punishment and suspension of license (USLEGAL, 2017).

Aimed at recognizing factors in the physical and social setting that create incentives for or precipitate criminal acts and changing such circumstances in such a manner that no offenses

arise. The core principle of crime reduction theory is that the characteristics of the physical environment will promote or inhibit criminality.

Effective, responsible prevention of crime boosts the quality of life of all citizens which has long-term implications in terms of minimizing the burdens involved with welfare consequences arising from violence. "Therefore, conditional release from the viewpoint of crime prevention theory plays a significant part in fighting criminality, particularly crime in prison, because it becomes a reward for good conduct or behavior.

It was mentioned in this study that, Musanze prison has rules and regulations to punish all offenses, the punishments are categorized according to offense or crime. Each offense has to be punished and the crimes punished by the court are also prosecuted. The records of offenses have also impact to be granted conditional release. These constitute an effort by Prison authorities of monitoring and punishing offenders.

The theory suggests crime prevention by means of guarding targets, control means to commit crime and monitor offenders. In Musanze prison there is a structure of organization inside the prison by inmates themselves. The main focus (in order of priority) is to maximize security and safety at and in prison. There are policing committees which deal with prevention or intervention of any kind of conflicts between inmates and provide any information about security to the Prison authority in order to be proactive.

2.2.2. Theory of Security in prison

John Mc Guckin (2017) stated that running a stable detention center mainly requires well-trained personnel. It also requires providing the right physical control measures; ensuring adequate procedural security are in place and creating 'dynamic security.' Security in prisons must be the central concern of all prison staff. He stressed that the way to ensure good security levels is to transform the identification and avoidance of possible security violations around and to create an atmosphere for successful dynamic security.

For Mc Guckin (2017), this security is far more relational than static protections. Under that, there is daily interaction with the inmates, so an alert member of staff may respond to difficult circumstances and which could pose a security danger. Dynamic Security is a philosophy and a

working process by which personnel prioritizes the development and preservation of everyday contact and engagement with prisoners based on strong professional ethics, and assures that there is adequate purposeful and positive operation to occupy prisoners, surrounded by adequate security.

The underlying basis of dynamic security is that security and safety in prisons rely on maintaining a supportive environment that promotes prisoner cooperation. External security (trying to stop escapes) and internal security (stopping disorder) are better maintained by developing good inmate-staff relations.

Under this theory, Mc Guckin, (2017) emphasized that to create an environment of security in and around prison; there is a need of balancing types of security measures. This implies that there should be an appropriate balance between the different types of security measures implemented. The right balance to prevent escape and maintain order will depend on a number of factors such as the condition of the prison facilities, the level of technology available, the number of staff and type of prisoners being held. But, the more important is the dynamic security which is a working method by which staffs prioritize the creation and maintenance of everyday communication and interaction with prisoners based on professional ethics.

The results seen in this study assess the effect of protective precautions on granting prisoners conditional release, while physical and procedural protection provisions are important aspects of prison existence, they are not necessary by themselves. Safety often relies on a warning staff who communicates with inmates, is conscious of what's occurring in the jail, and ensures sure inmates are kept involved in a meaningful way. That is also represented as dynamic security philosophy. The value of contextual defense is, however, that it is likely to be adaptive in a way that identifies a security threat at a very early stage. The quality of dynamic safety is essential to a prison's positive environment. The setting should not be threatening, and should be accommodating to meet prisoners' specific needs. The development of good working relations between workers and inmates is often seen as a source of good management.

However, some of inmates do not like specific contact between prisoners and correctional officers since they consider it harmful; particularly because it is through these interactions that

certain prisoners benefit from betraying other prisoners. Prison authorities, on the other side, strengthened the interaction as reported in the results of this research. To be given conditional release, prisoners must show good conduct and social healing, so it is easier to give conditional release because there are successful interactions so contact between the prisoners and the workers. The prison authorities use the dynamic security to monitor, deter and respond in the everyday work environment.

CHAPTER THREE: RESEARCH METHODOLOGY

This chapter displays the process through which the main research question, “to what extent is conditional release helping to maintain both prison safety and security?” If this question is properly answered, it uncovered the impact of the conditional release on security and safety in prison. Firstly, the choice of the research design and follow by the study population and finally, the study presents the data collection techniques as well as the data analysis methods.

3.1. Research design

The objective of this study was to explore how conditional release helps to maintain both prison safety and security. This study used a qualitative approach as it seeks to get a detailed opinion from the respondents. According to Dawson (2002), qualitative research explores attitudes, behavior and experiences through methods such as interviews or focus groups. Dawson adds that qualitative research approach does not require many participants. It means that fewer people take part in the research. Nevertheless, contact with participants tends to last a lot longer (Dawson, 2002, pp 14- 15).

In the context of this study, the choice of qualitative methodology was based on two main reasons. First, this research did not require a large-scale survey since it has singled out only one prison which is Musanze prison. Second, the research did not need statistics to know to what extent conditional release may impact on safety and security in Musanze prison, what was needed are attitudes and behaviors which are best expressed through qualitative methodology. Creswell (2019), cited in V Mahlati (2011), stated that qualitative research “is a means for exploring and understanding the meaning individuals or groups ascribe to a social or human problem” (V Mahlati, 2011, p 24; add Creswell). A qualitative method was used to enable in-depth understanding of the factors pushing inmates to behave in a given manner.

3.2. Study Population

According to the statistics, the total number of inmates in Musanze Prison as per 13 April 2020 reports was 3004 among them, 983 females. As the study targeted convicted inmates, but also inmates eligible and who missed the conditional release, the number of study population were reduced to 2458 (Musanze prison, monthly report, Jan 2020) . Still, the study also encompassed people who engage with the correctional system at Musanze Prison. At 13 April 2020 Musanze

prison had 84 staff led by the director assisted by officers in charge of various services provide by the prison. The last categories are public authorities who on day to day basis, deal with conditional release as well as safety and security in Musanze prison. So, in total the study population were 2542 (both inmates and staffs) in which the study has chosen the sample size as it explain in the following section.

3.3. Sample size

In qualitative research, the main goal in selecting respondents should be the realization of saturation. “Saturation occurs when adding more participants to the study does not result in additional perspectives or information (Bryman, 2008, p.417). Although in qualitative research the most important is the achievement of saturation, some authors suggested a sample size for some research designs. For an ethnography, Glaser and Strauss (1967) suggested approximately 30 – 50 participants. For grounded theory, Morse (1994) suggested 30 and 50 interviews, while Creswell (1998) suggested between 20 and 30, and phenomenological studies, Creswell (2007) recommended between 5 and 25.

Due to the time allocated for this research, limited resources available for conducting it, and given the situation in which this research was carried out, while the whole world and Rwanda in particular were trying to combat the transmission and spread of the COVID-19 pandemic, given the fact that the target population is localized in one place of Musanze prison, and based on the cited scholars above like Creswell (1998) and Bryman (2018), the research selected 20 respondents from 2542 both inmates and staffs (the study used 15 inmates and 5 prison staff in this research).

But, since it is a purposive sampling, the study has picked out inmates who are susceptible of detaining the needed information on one side, but on the other hand these respondents must be capable of delivering the information that they detain. This size is considered enough significant, relevant and appropriate and enabling to draw convincing conclusions in this research.

The inmates have been chose purposively, picking them from as many strata as possible: The leaders, intellectuals who have served more than ten years in prison, inmates who have many

times applied for conditional release but did not chance to be granted that opportunity of ending their sentence earlier, convicted inmates who were waiting to fulfil the conditions enabling them to apply for conditional release.

Then five participants have been drawn from the stratum of Musanze prison staff. The staffs to be interviewed have been chosen purposively. The director of prison, the social affairs officer, the legal affairs officer, two prison guards escorting inmates in their everyday activities (woman and man).

3.4. Data collection tools

Since this study is qualitative, that is, needed to collect qualitative data: Primary data was collected directly from the study population (inmates and staff of Musanze prison) and secondary data was taken from different documents relevant to the subject under study (reports, discipline and conditional releases records at Musanze prison). For the purpose of this research, focus groups, interviews, and documentary techniques were used.

3.4.1. Interview

The interview is probably the most widely employed method in qualitative research (Bryman, 2012). This is not an accident because it helps to collect much information of qualitative nature (Nicholas, 2011; Ranjit, 2014). In this study, Interviews were used with a view to explore the qualitative aspect of the research question. The kind of interview that was used was especially the semi-structured interview. It concerned a grouping of questions under a theme to be explored. An interview guide was prepared before and questions were structured in an open-ended manner in Kinyarwanda (because it is a National language in Rwanda, and all respondents were not fluent in English).

After interview, the responses were translated from Kinyarwanda to English. The semi-structured interview was chosen to help the researcher to examine deeply the theme and understand thoroughly the answers provided. Additionally, this kind of interview allowed the interviewer to clarify some questions or intervene when it seems necessary.

In this research 8 respondents have been interviewed individually. All 5 respondents' members of the prison administration were interviewed individually because their responsibilities are

different, especially with a regard to conditional release, safety and security in prison. For example, the records of inmates referred to conditional release are kept by legal affairs, while with regard to the level of behaviors of inmates this information is held by social affairs. 3 other detainees were interviewed individually so that the information that missed in focus groups is recovered, because it was estimated that certain information may not be spoken in a group.

3.4.2. Focus Group Discussion

For Dawson (2002), a focus group is a technique in which a variety of participants are invited to come together and answer some questions for research purposes. He pointed out that a focus group is mediated by a moderator who poses questions and searches for more information, ensures that the conversation does not digress and making certain efforts to insure that everybody has a voice so that nobody controls the debate.

In this research, respondents were grouped into two focus groups of 6 people, and then researcher explained the purpose as it has already been mentioned above. Each group had a moderator whom had instructed on the target of assessing to what extent conditional release plays an impact on safety and security inside prison settings.

3.4.3. Documentary technique

Consulting available document was used as a secondary data source and was based on the information found in books, reports in connection with the study.

In this study also, the research referred to relevant documents at Musanze prison such as reports, standards operational procedure, code of conduct, regulations from prison authorities.

3.5. Data analysis

This study analysed qualitative data collected through interview. Qualitative data analysis can be described as “the process of making sense from research participant’s views and opinions of situations, corresponding patterns, themes, categories and regular similarities” (Cohen, Lawrence and Morrison, 2007, p.461).

For data analysis, and interpretation, the research used the thematic analysis methods. This type of analysis is highly inductive, that is, the themes emerge from the data and are not imposed upon it by the researcher. In this type of analysis, the data collection and analysis take place

simultaneously. Even background reading can form part of the analysis process, especially if it can help to explain an emerging theme (Dawson, 2002, p.115). The main themes of this research being Grounds and practice of conditional release, safety and security in prison; each theme has been considered before drawing a conclusion on their interdependence.

3.6. Ethical Considerations

This study was guided by the principles of social sciences research which include no harm, confidentiality, informed consent and no deception (Nicholas, 2011). The respondents received clearly detailed information about the study and its purpose, including the reason that the research was carried out to fulfil requirements of academic award. The confidentiality of respondents has been guaranteed.

Permission to access the target population was given by the Commissioner General of Rwanda Correctional Service. Participants were recruited voluntarily and had to give a verbal informed consent before they were enrolled to the program. All data collected were coded to keep the privacy and confidentiality concerning study participants. The questions that were asked in interviews considered the principle of no harm.

CHAPTER FOUR: DISCUSSIONS OF FINDINGS

4.1. Introduction

The fourth chapter presents the findings of a field study on opinions, points of view and perception concerning conditional release and its impact on safety and security in Musanze prison. Interviews and focus group discussions were used to collect data that helped answer the research questions in order to achieve the research objectives. The chapter also presents and interprets the collected data grouped into different themes. Then, the results have to display the link between conditional release and safety and security in Musanze prison.

4.2. Characteristics of Research respondents

Respondents who participated in this study had different characteristics in terms of their category, gender, education, experience/years in prison and age. These characteristics of respondents helped to identify different categories of inmate respondents, but also prison administration authorities

4.2.1. Category of respondents

In this study, respondents were categorized into different categories according to the purpose of the study where inmates, prison guards as well as prison authorities participated. Below table shows the number of participants from each category.

Figure 1:

| Categories | Inmates | Prison authorities and guards | Total |
|------------|---------|-------------------------------|-------|
| Number | 15 | 5 | 20 |

Source: Archives, Musanze Prison, 2020

The large number of respondents is significant since they can know more about what conditional release, safety and security, then provide their views and opinion regarding what can be done to improve both security and conditional release. To have opinions in both side (inmates and Prison staff) helped to have different views in what conditional release impacts on safety and security.

4.2.2 Gender of respondents

The second characteristic of respondents of this study is the gender of both inmates and prison staffs respondents.

Figure 2:

| Gender | Men | Women | Total |
|---------------|------------|--------------|--------------|
| Number | 13 | 7 | 20 |

Women constituted 35% of all respondents as they constituted at least 1/3 of the study population in this research as shown in chapter three (Musanze prison, monthly report, Jan, 2020)

4.2.3. Educational level of respondents

The educational level of inmate respondents constitutes the third characteristics of respondents in this study.

Figure 3:

| Level | Secondary Level | University Level |
|---------------|------------------------|-------------------------|
| Number | 15 | 5 |

Source: Musanze prison, Registrar report, 2020

As the study used purposive approach, the education level of respondents was concerned, 75% had secondary level school and 25% had university level of education.

Inmates' respondents had been in prison since more than 10 years and the experience of prison staffs respondents is between 5 and 15 years.

4.2.4. Age of respondents

Age constituted respondent's characteristics in this study. The range of respondents was between 25 and 60 years old.

Figure 4:

| Age | Between 25-35 | Between 36-45 | Between 46-60 |
|--------|---------------|---------------|---------------|
| Number | 5 | 10 | 5 |

Source: Musanze prison, legal office report, 2020

Between 25 and 35 were 25%; between 36 and 45 were 50% whereas between 46 and 60 were 25%.

4.3. Data presentation, analysis and discussion

This section presents, interprets and analyzes the findings from respondents. As indicated in chapter three, the research questions have been grouped into themes so the presentations and analyzes of findings are also grouped into themes as follow:

➤ **Grounds and practices relating to conditional release**

The respondents when telling their stories in focus groups manifested disagreements on some considerations of knowing the law regulating conditional release, but some interesting points were agreed upon, despite some marked reluctance on the matter of conditional release application. Many respondents have recognized the importance of conditional release; they have also acknowledged that conditions for conditional release are well known by prisoners as declared in these words:

“Everyone knows about conditional release as part of the steps to go through during imprisonment. In fact, when a person is suspected of having offended the law, he or she is arrested, prosecuted and appears to court. During the period of hearings at court, the suspect strives to plead not guilty in order to get acquittal. If a person is acquitted, it is all right. But, if unfortunately, the person is convicted and sentenced, the remaining

chance is that of seeing his or her imprisonment reduced and enjoy freedom earlier as it is provided by conditional release.”(Code 12, April, 2020).

Still, in the same perspective, the detainees explain that different strategies are in effect within the Musanze prison to publicize the laws and more specifically the law governing parole. They also point out that a non-governmental organization is assisting the detainees.

“RCS (the service in charge of prisons management) has appointed a legal officer whose everyday responsibilities include among others to advise inmates on legal matters, to make laws and instructions known to inmates, and to organize adequate training susceptible of enhancing the awareness of inmates on laws in their concern.” (Code 7, April, 2020).

“Moreover, in Musanze prison, there is an NGO known as Lawyers of Hope (LoH) which trains some inmates on important laws in practice in Rwanda. The laureates of LoH trainings are expected to help other inmates in legal matters, including the follow-up of their files in the perspective of applying for conditional release at the right time.”(Code 3, April, 2020).

The terms of social rehabilitation and correction are the most important and sine qua none conditions for an inmate to be granted conditional release, however it is difficult to demonstrate that a person is rehabilitated and how much time is it required for a prisoner to be said that he or she is fully rehabilitated. According to article 232 of the law N° 027/2019 of 19/09/2019 relating to the criminal procedure (in Official Gazette n° Special of 08/11/2019) clearly shows that: “A person sentenced to one or several penalties of imprisonment can be granted conditional release on the following conditions: 1° if he or she sufficiently demonstrates good behavior and gives serious pledges of social rehabilitation”. The prison authorities explained the factors that show them that the person is truly rehabilitated in these words:

“So, demonstrating good behavior is not a matter of time, it is a matter of change. Of course, we need a certain period to certain that a person has changed. The person has to be involved in trainings, and certain activities from which his or her change is assessed. There is an education program in prison. Civic education, cultural education, literacy

programs, crafts trainings, religious participation, etc. all these help to demonstrate that an inmate is fully rehabilitated, but we cannot precise time it can take.” (Code 1, April, 2020).

Correction refers to the branch of the criminal justice system that deals with individuals who have been convicted of a crime. In fact, the law N° 34/2010 of 12/11/2010 on the establishment, functioning and organization of Rwanda Correctional Service (RCS) (in Official Gazette n°04 of 24/01/2011), article 4 defines the responsibilities of RCS as follows: 5° to implement effective strategies to enable detainees and prisoners to repent and change their mentality. In this perspective, prison authorities stated that:

“So, correction is enabling the inmate to repent after having offended the law and making him or her change. The roadmap for correction starts on the day the person is convicted. At reception, while entering prison, the new inmate is counselled and introduced to prison managers. Then, the inmate undergoes different activities touching his or her mental, spirit, physical and intellect. It is this roadmap which enables us as prison officers to follow the inmates through civic education activities, religious activities, learning new skills and crafts, participation in production activities and any other services and activities planned by the prison administration that an inmate can be deemed to have reached ideal correction.”(Code 2, April, 2020).

Prison authorities also recognize that conditional release is important to detainees as well as to the administration of the prison, as said an officer in these sentences:

“Except a small number of recidivists who have no worry of being in prison and see to be enjoying it (these recidivists are nicknamed “children of prison, in Kinyarwanda abana ba gereza), the desire of every prison (including the veterans who have spent a non stop long imprisonment), the desire keeping priority is to go out of prison. Conditional release, being an opportunity of leaving prison earlier than the period of punishment, is the aspiration of all prisoners. We praise the advantages of conditional release.”(Code 4, April, 2020).

It seems that both inmates as well as prison administration praised the advantages of conditional release, but besides these praises, the research enables to register some displeasing remarks which are the obstacles met in implementation of conditional release. In terms of categories of inmates who are eligible or non eligible to conditional release; genocide and its ideology have never been eligible to conditional release and that is known by every inmate. If inmates are categorized by crimes, genocide perpetrators know that they cannot apply for conditional release. All categories know that genocide perpetrators are not eligible to conditional release; but for other categories, crimes which are singled out for non eligibility one year will change the following year. So, this categorization of inmates by crimes confuses inmates. One respondent, seemingly joking, but seriously declared:

“What is worse is the fact that eligibility or non eligibility is not applied similarly for all prisoners. Inmates who are in the same category and who have the same conditions; they apply at the same time, but some get positive reply while others get a negative one.”
(Code 5, April, 2020).

Another inmate said:

“The problem we have with conditional release is that the law is well written, interesting and motivating; but its application scrambles our brain by unwritten directives which differ from year to year in term of crimes. For example, they will tell you that this crime is eligible in this year while it was not eligible the last year or again it will not be eligible next year.”(Code 6, April, 2020).

Another inmate gives testimony as follow:

“I have four co-accused and we were six in our case of embezzlement. One of us was acquitted by the court. Two of us were imprisoned in Nyarugenge prison; I and the two others were imprisoned here in Musanze prison. When we had already served our penalty for a period of time provided for under article 233 relating to the criminal procedure, we all applied for conditional release. For that first application in 2016, my two friends applying from Nyarugenge prison and another one applying from Musanze prison were released. For the second time the remainder of our group were two, me and another one;

we applied for a second time in 1997, my friend was released but, me during this year, it is true that I had misbehaved because I had been taken with a telephone in prison and it is prohibited. The following year I behaved well to repair my last offense in order to benefit from conditional release and I even chaired the committee of counselors in the prison. Later, I applied for a third time and I was refused because in 2018 embezzlement was added to the list of crimes not eligible to conditional release. For the first application, they have never told me what was missing in my file. I behaved well in prison in this time. So, for me, applying for conditional release is comparable to the game of toss of a coin where you lose or gain as a matter of chance.”(Code 8, April, 2020).

The same obstacles in the implementation of conditional release are also observed by prison authorities. Besides their stories on how the expectation of conditional release makes inmates cool down so as to appear disciplined before the prison managers, one staff raised a point that I want to quote; he said:

“I sensitize inmates, explain them the law of criminal procedure on the chapter regarding conditional release. I recommend them to be disciplined so as not to miss the chance of being selected for conditional release. These people follow my advice and apply for conditional release through the director of prison who approves their good conduct in prison. Due to the irregularity of conditional release in terms of crimes, I feel ashamed and disappointed. How can I behave or justify myself in front of those people?”(Code 9, April, 2020)

Concerning the measures that can be taken to make this release regular and applicable to all rightful applicants, inmates suggest strict respect of the law, without disturbing inmates with the so-called directives which should normally not contradict written law. Prison administration staff suggested strict application of the law when it comes to determining the eligibility of applicants. Prisoners state that when an applicant is refused, they should at least declare conditions which have not been met.

In the context of determining what should be the main requirement to be granted conditional release at the same time getting enough advantages from conditional release, and above all

creating a happy mood for a prisoner serving his or her sentence; most of our respondents pointed to the strict respect of law which determines the conditions of being granted conditional release. Really, inmates would live in a happy mood as long as they know that their good conduct would reward them grant of conditional release. One of the respondents (Staff) said that:

“Yielding advantages for conditional release has to be measured on two sides. First of all, these advantages are for the prison administration which has facilities of managing inmates who are disciplined by the expectation of conditional release. To serve as an incentive to good discipline, this conditional release must be regular, not only in occurrences but also in being granted to everyone who fulfils required conditions.”

“Secondly, the advantages of conditional release are for the inmate who has the chance of leaving prison earlier than the time decided by the court. When the inmate knows that respect of prison rules would yield him or her being granted conditional release, he or she serves his or her sentence in a happy mood.” (Code 10, April, 2020).

All respondents on both sides agree that the inmates are aware of the law regulating conditional release. Maybe some illiterate inmates do not know the law and articles, but they all know the content and what it means.

In fact, it is the notion of sufficiently demonstrating good behavior which pushes every inmate to actively participate in maintaining safety and security in prison. Thus, expectation of conditional release makes inmates play an important role in maintaining safety and security in prison.

However, the irregularities in implementation of conditional release made some inmates think that applying for conditional release is comparable to the game of toss of a coin where you lose or gain as a matter of chance.

Despite those irregularities in implementing the law of conditional release in favor of applicants fulfilling required conditions, the condition of sufficiently demonstrating good behavior remains the foundation of any hope of gaining the so-called game of toss of a coin where you lose or gain as a matter of chance. This means that before waiting for the turn of the coin, you must have applied first; and you can not apply if you do not demonstrate good behavior and give serious pledges of social rehabilitation.

Considering eligibility conditions during the three years covered by this research, it is obvious that categorization of crimes to determine inmates who are not allowed to apply for conditional release due to the gravity of the crimes for which they are guilty; these categories changed from one year to another. The principle is ***“behave well and wait”***.

So, expectation of conditional release makes inmates behave well, which has a positive impact in keeping safety and security in prison.

➤ **Safety and security in prison**

Rules and regulations regulating safety and security exist in Musanze prison, both interviewees as well as in focus group confirmed that in following quotations:

“The inmate is made aware of rules and regulations on the first day in prison. After inscription in the inmates’ register, he or she is introduced to the secretary of the bloc who gives him or her all instructions relating to food ration, water, toilet, uniform, etc. Concerning safety and security, there are troops in charge of their implementation. Security staffs wear yellow hats whereas policing staffs in charge of safety wear green hats. Not only the new inmate is told about rules and regulations regulating safety and security in prison, but there are also these specialized troops in charge of reminding him or her to respect them. These troops seize anyone who goes against these rules and regulations to make him or her face the punishment.”(All code, April, 2020).

The prison administration staffs told us that:

“There are things which are so automatic that the inmate does not have to ask questions about how and why because most of safety and security procedures are inherent to the imprisonment in itself. For example, the inmate will always be escorted by a prison guard and no inmate will ask about that escorting. In any movement outside the prison walls, the inmate will have handcuffs around his or her hands. That is not questionable as it is also for the wearing of a prisoner’ uniform. Moreover, there are instructions regulating the prisoner’s life, mentioning his rights and duties and how are the punishments decided against anyone who breaches those regulations. Those instructions are attached in place where all inmates have easy access.”(All staffs codes, April, 2020).

In Musanze prison there are punishments given to the offenders of rules and regulations regulating safety and security. These punishments are categorized depending on the type of offence, the gravity and the punishing authority. As it written in internal disciplinary code, the punishments are:

- minor offences like insults and slight aggressions, punished on the bloc level by cleaning the bloc or the toilets, holding a bell around the neck, change of sleeping bed ,etc.;
- Theft, serious aggressions, use of prohibited beverages, etc. punished by 1 to 15 days in isolated cell or custody;
- Recidivism in theft, serious aggressions, use of prohibited beverages, etc. punished by 16 to 30 days in isolated cell or custody without visits and/or disciplinary transfer to another prison;
- Serious offences taken to Rwanda Investigation Bureau & prosecuted

To be effective and proactive in all temptations threatening safety and security, the administration introduced the relationship between detainees and staffs through prisoner leaders as well as any individual detainee in order to respond in advance to any insecurity that may arise in the prison. This element of dynamic security is important in prison management as one of the prison officers pointed out in the following paragraph:

“Communication between inmates and prison officers enhance security in prison because it helps inmates to present their complaints and have them resolved and it prevents the bursting of problematic situations.”(Code 10, April, 2020).

However, some of the inmate respondents do not appreciate particular communication between inmates and prison officers because they find it harmful; especially that it is in such communications that some inmates profit to betray other inmates. Other inmate respondents said:

“Communication between inmates and prison officers can enhance security in prison only if the authority is not so naïve to swallow any information without enough discernment.” (Code 11, April, 2020).

Most of inmates respondents from the group did not differ from the above statement inmates in but they added the following:

“Communication between inmates and prison officers can enhance security in prison only if: it is between inmates’ representatives and the prison authority and/or it is organized in general meetings of inmates with the prison authorities.” (Code 11, 12, 13, April, 2020).

All respondents agreed that there are instructions regulating the inmate’s life, mentioning his rights and duties and how are the punishments decided against anyone who breaches those regulations. All respondents also declared being aware of punishments which are categorized depending on the type of offence; the gravity and the punishing authority. They also gave a scale determining offences, punishment and punishing authority.

It is the fear of these punishments which are recorded in the individual file of the inmate; a record which is necessarily consulted at the time of recommending inmates who apply for conditional release, that fear of losing eligibility to conditional release makes the inmate behave well, keep cool and well disciplined. So, expectation of conditional release moderates the inmate and keeps him or her careful not to disturb safety and security in prison.

➤ **Influence of conditional release in maintaining safety and security in prison**

This sub-section dealing about the influence of conditional release in maintaining safety and security in prison is the backbone of this research. Our respondents who were divided into two groups; one group of inmates and another one of the prison administration staffs converge in their views summarized in following paragraph:

“There are many conditions which are a prerequisite to be granted conditional release as provided by the law; but the most important is the one of sufficiently demonstrating good behavior and give serious pledges of social rehabilitation. Then, to demonstrate good behavior is to respect safety and security measures as they have been planned by the prison managers. So, the program of conditional release helps in maintaining safety and security in prison.”(All staffs code, April, 2020).

To determine the influence of security measures on the grant of conditional release to prisoners, although physical and institutional provisions are necessary aspects of prison existence, they are not adequate by themselves. Security often relies on a warning team who communicates with

inmates, is conscious of what's occurring in the prison, and ensures sure inmates are held involved in a meaningful way. This is also defined as security issue theory. The value of dynamic security is, however, that it is able to be constructive in a manner that identifies a security danger at a very early level. Therefore, it turns out that the theory of dynamic security is more linked to the procedure of obtaining conditional release because it is based on the relationship between prisoners as well as prison administration. Prisoners must show good behavior towards his co-detainees but also towards the prison authority who signs and recommend the detainee for conditional release. Our respondents unanimously said:

“Dynamic security measures are the most influent in helping the inmate to get conditional release and maintaining safety and security in prison. The interaction between the inmate and the prison administration on one side helps prison managers to pre-empt any disruptive behavior of inmates and take measures to counter it. On the other hand, the inmate who interacts with prison managers is well known by those managers who are the same to approve lists of applicants for conditional release.”(Code 15, April, 2020).

Empirically, the findings have revealed that the aspiration to a possible conditional release has led prisoners to behave in such way that security and safety are maintained. The majority of interviewees in the study believe that conditional release plays an important role in maintaining safety and security in prison. As seen in the following narratives, prisoners who were interviewed said that provocations that can lead to fights are ignored or any action that can threaten the security of the prison. most of respondents agreed that:

“Conditional release is an incentive awarded to inmates behaving well and correctly in prison. There are hard and harsh situations that inmates have to go through and they resist only because they do not want to tarnish their image in front of the prison managers.”(Code 10, 11, 18, April, 2020).

All respondents, the group of inmates and the one of prison staffs converged on one answer that to really seize the context in which the program of conditional release helps in maintaining safety and security in prison, it is necessary to analyze provisions of the law providing conditional

release. The law N° 027/2019 of 19/09/2019 relating to the criminal procedure (in Official Gazette n° Special of 08/11/2019); article 232 mentions the grounds for conditional release and states that a person sentenced to one or several penalties of imprisonment can be granted conditional release on the following conditions if he or she sufficiently demonstrates good behavior and gives serious pledges of social rehabilitation;

The article 233 determines the periods of imprisonment to be completed before applying for conditional release. But anyway, these periods of time spent in prison remain meaningless as long as the condition of demonstrating good behavior and giving serious pledges of social rehabilitation is not yet met.

So, good behavior which is translated in the way the inmate keeps clean record in maintaining safety and security in prison determines the grant of conditional release. So, expectation of conditional release plays an important role in maintaining safety and security in prison.

4.4. Challenges

This section is not intended to deal with challenges to safety and security in prison in general, or the challenges to conditional release; the challenges highlighted here are those problems which prevent conditional release from being an incentive to safety and security in prison. All inmates respondents agreed on the following challenges:

- *“Occurrences of conditional release are not regular. You find that one year it happens once or two times, while in another year it happens twice to three times or even more.”*
- *“The categories of crimes change year per year. Crimes eligible for conditional release this year are not the same in next year, means that people who applied this year their applications can be refused next year because the category of crimes has changed”.*
- *“There are people who have applied, their applications have been refused but they have never been told reasons behind those refusals. So, for some inmates conditional release is no more considered as an incentive to maintaining safety and security in prison.”*

In sum, in this section of this chapter the findings are presented as they were collected from interviews, and focus group discussions. The research has identified how expectation of conditional release shapes the conduct of the inmate who is constantly reflecting about the requirements of conditional release and how to avoid any behavior which could negatively influence his or her application for conditional release.

Nevertheless, it has highlighted challenges which do not allow conditional release to be generally viewed as an incentive to maintaining safety and security in prison.

CHAPTER FIVE: GENERAL CONCLUSION AND SUGGESTIONS

After choosing this topic the researcher did a preliminary literature review of works of other authors in same field; which enabled to develop objectives and questions around which this research had to turn. The general objective of this study was to explore how conditional release helps to maintain both prison safety and security. To reach this objective, the study put forward questions to guide the research. Those questions were:

To what extent is conditional release helping to maintain both prison safety and security?

Some sub questions as well as specific objectives have helped to verify the impact of conditional release on safety and security in Musanze prison over the period from 2017 to 2019 as it is detailed in the following summary of findings. This research has used qualitative methods; it has used twenty respondents divided into two strata, the stratum of inmates and the one of the staff.

5.1. Summary of Key Findings

The study showed that the organization of inmate's leadership in Musanze prison is based on safety and security. Before analyzing the extent to which conditional release is helping maintain both prison safety and security, the research has asked respondents about the inmate's awareness of directives relating to conditional release; the view of respondents is that awareness of the law is not the problem. The problem is the will of civil servants in charge of arranging required operations and granting that conditional release to all applicants fulfilling required conditions. These conditions may be summarized in the following:

Article 232 of the Law N° 027/2019 of 19/09/2019 relating to the criminal procedure (in Official Gazette n° Special of 08/11/2019) states that a person sentenced to one or several penalties of imprisonment can be granted conditional release on the following conditions:

1° if he or she sufficiently demonstrates good behavior and gives serious pledges of social rehabilitation;

3° if he or she has already served his or her penalty for a period of time provided for under Article 233 of this Law depending on the offences of which he or she was convicted

Then for inmates satisfying the conditions above, whether they apply or not, should be automatically listed for being granted conditional release.

On grounds and practice of conditional release, all respondents praised the advantages of conditional release both for the inmate as well as for the prison administration. But besides these praises, the research enabled to register some unpleasing remarks such as a respondent who said that applying for conditional release is comparable to the game of toss of a coin where you lose or gain as a matter of chance.

Other respondents said the problem with conditional release is that the law is well written, interesting and motivating; but its application scrambles brain by unwritten directives which differ from year to year. For example, they will tell you that inmates convicted of such crime are not eligible in this year while they are eligible in another year.

Concerning the measures that can be taken to make this release regular and applicable to all rightful applicants, inmates suggest strict respect of the law, without disturbing inmates with the so-called directives which should normally not contradict written law.

Decision-takers should try to be more objective, transparent and accountable. When an applicant is refused, they should at least declare conditions which have not been met.

Figures about recent conditional release from the year 2017 to 2019 show an increase of inmates released (176 in 2017; 229 in 2018 and 333 in 2019), but unfortunately crimes not eligible to conditional release are also changing and increasing (genocide and rape in 2017; genocide, rape, ideology of genocide, embezzlement, human traffic and terrorism in 2018; genocide, rape, ideology of genocide, embezzlement, human traffic, terrorism, corruption, illicit drugs in 2019) and what is worse is the fact that eligibility or non eligibility is not applied similarly for all prisoners. Inmates who are in the same category and who have the same conditions; they apply at the same time, but some get positive reply while others get a negative one.

Our respondents all insisted that to serve as an incentive to good discipline, this conditional release must be regular, not only in occurrences but also in being granted to everyone who fulfils required conditions.

There are instructions regulating the prisoner's life, mentioning his rights and duties and how are the punishments decided against anyone who breaches those regulations. Those instructions are attached in a place where all inmates have easy access. Conditional release is an incentive awarded to inmates behaving well and correctly in prison. All respondents said that there are hard and harsh situations that inmates have to go through and they resist only because they do not want to tarnish their image in front of the prison managers who are the ones to recommend them for conditional release.

5.2. Summary of Key Challenges

Occurrences of conditional release are not regular. You find that one year it happens once or two times, while in another year it happens twice to three times or even more.

There are people who have applied many times, their applications have been refused but they have never been told reasons behind those refusals. So, for some inmates conditional release is no more considered as an incentive to maintaining safety and security in prison.

5.3. Conclusion of the study

All respondents agreed that there are instructions regulating the inmate's life, mentioning his rights and duties and how are the punishments decided against anyone who breaches those regulations. It is the fear of these punishments which are recorded in the individual file of the inmate; a record which is necessarily consulted at the time of recommending inmates who apply for conditional release, that fear of losing eligibility to conditional release makes the inmate behave well, keep cool and well disciplined.

So, expectation of conditional release moderates the inmate and keeps him or her careful not to disturb safety and security in prison. The figures of disciplinary punishments that were found after checking the archives of Musanze prison to verify how these punishments have been used to punish inmates offending the internal disciplinary code have been decreased (473 in 2017; 262 in 2018 and 185 in 2019) whereas the figures of beneficiaries of conditional release have been increasing . So, from those figures, the study can conclude that the expectation of conditional release plays a positive impact on the maintaining safety and security in Musanze prison. Thus,

the general objective of exploring how conditional release helps to maintain both prison safety and security has been reached.

To increase the interdependence between conditional release and improve both conditional release and create a mood of safety and security in prison, some suggestions have been formulated as follow:

5.4. Suggestions

To manage conditional release applications and grant at the same time ensuring safety and security in prison, the study suggests the following:

5.4.1. To inmates

- To benefit as much as possible of all the programs that the prison avails for the correction and rehabilitation of the inmate;
- To behave well so as not to miss being recommended for conditional release;
- To read well the law and all conditions of conditional release and apply for conditional release on time.

5.4.2. To Rwanda Correctional Service (RCS)

- To make all inmates aware of the law regulating the grant of conditional release;
- To make sure that inmates who meet required conditions apply for conditional release on time.

5.4.3. To the Ministry of Justice

- To make occurrences of conditional release as regular as possible;
- When there are refused applications, to tell the applicants the reasons behind those refusals.

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Appendix 1

RWANDA NATIONAL POLICE

Musanze, 16 DEC 19



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TO WHOM IT MAY CONCERN

This is to confirm that **SP BONAVANTURE MUVUNYI** is a student of Rwanda National Police College, undertaking a Master's Degree in Peace Studies and Conflict Transformation for the academic year 2019-2020. He is conducting a research on: "*CONDITIONAL RELEASE AND ITS IMPACT ON SECURITY IN PRISONS: A CASE STUDY OF MUSANZE PRISON*", for which he is required to collect data from relevant sources.

Any assistance rendered to him in this regard is highly valued by this College.

F NTIRUSHWA
CP
D/COMMANDANT



Appendix 2

RWANDA CORRECTIONAL SERVICE



OFFICE OF COMMISSIONER GENERAL

Kigali, on 27/12/2019
Ref. N° 1378/CG/RCS/MS/19

SP Bonaventure MUVUNYI
Student in Univesiry of Rwanda
Center for conflict Management
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PSCSC 08/19-20
MUSANZE

PERMISSION TO CONDUCT RESEARCH IN MUSANZE AND MUHANGA PRISON

1. Reference is made to your to whom it may concern dated 27th Dec 2019, requesting permission to conduct a research on the topic "*Conditional Release and its impact on Safety and Security in Prisons*" by collecting data from inmates in Musanze and Muhanga Prison for your dissertation paper in master's degree program in Peace Studies and Conflict Transformation at the University of Rwanda, Rwanda National Police College, Musanze;

2. I am pleased to inform you that the permission has been granted and I request Prison director copied this letter, to be available and facilitate in your research.

3. Regards,


George Rwigamba
CGP
Commissioner General/



Cc
-DCG/RCS;
-DPMusanze and Muhanga Prison.

Kicukiro District, Kicukiro Sector, Kicukiro Cell, Isoko Village in Plot No 436 | KK 8 Ave |
Website: www.rcs.gov.rw | P.O. Box 6516 Kigali-Rwanda | E-mail: cgooffice@rcs.gov.rw

Appendix 3

INTERVIEW GUIDE WITH MUSANZE PRISON INMATES

First of all, I would like to thank you for accepting this interview. My name is Bonaventure MUVUNYI; I am a student in the University of Rwanda (UR), in Master's Programme in Peace Studies and Conflict Transformation. I am writing a thesis dissertation to be submitted in partial fulfillment of the requirements for the award of a Masters' degree of Arts in Peace Studies and Conflict Transformation. My research topic is on Conditional release and its impact on safety and security in prison. I have chosen you as an interviewee because I presume that you are susceptible of giving answers which are useful in our research, especially that the time you have already spent in prison in addition to the constructive relations you have with other inmates of this prison population.

The validity of this research will depend strongly on the way you answer my questions. That is the reason why I want you to feel free in your answers. I assure you the confidentiality of your answers which will be published nowhere else except in this research.

I will not write your name and at any time that you do not feel at ease, do not hesitate to tell me so that we may take a break or reformulate the question.

If you consent to this interview, let us begin our talk.

1. IDENTIFICATION

1. Sex: Male

Female

Married: yes

No

If yes, how many children do you have:

2. Age:

3. Level of education:

4. Prison sentence...

5. Time already spent in prison:years

6. How many times have you already applied for conditional release; have you been told the reason why it was not granted to you?

1. INTERVIEW

2.2. Directives relating to conditional release

1. Do your prison mates consider the law regulating the application for conditional release; what can be done to make the law relating to conditional release well known by all rightful applicants in a way that its application may be at a rate of 100%?

➤ Grounds and practice of conditional release

1. What are the obstacles that you meet in the implementation of conditional release in your prison; and which measures can be taken to make this release regular and applicable to all rightful applicants?

2. Are there any categories of inmates who are not eligible to conditional release? Do all inmates know those categories? Are conditions of illegibility applied similarly to all inmates?

3. As a prisoner, what can a prisoner do to demonstrate his/her positive change to the prison administration so that the latter may request conditional release for him/her? What should be the main requirement to be granted conditional release at the same time getting enough advantages from conditional release, and above all creating a happy mood for a prisoner serving his/her sentence?

➤ Safety and security

1. In your prison, are there any rules and regulations regulating safety and security in prison? . How the inmate is made aware of them?

2. What are the punishments given to the offenders of rules and regulations regulating safety and security in prison?

2. What can be done to make the communication between inmates and prison officers sufficiently enhance safety and security in prison?

➤ **Influence of conditional release in maintaining safety and security in prison**

1. How does the programme of conditional release help in maintaining safety and security in prison?
- 2.) Measures applied to maintain security in prison include: physical security measures; procedural security measures; dynamic security measures. What is the influence of these measures on the grant of conditional release to prisoners? (NB: in your answer, discuss each measure)
3. Referring to your prison mates' mind set, what is the impact of conditional release on safety and security in prison?

2.3. Conclusion

1. What are your suggestions which would help to reach correction of the inmate at the same time enabling the grant of conditional release to any applicant fulfilling all prerogatives?
2. What are the obstacles to perfect correction of the inmate and at the same time creating an impediment to regular occurrence of conditional release?
3. Which point did I not include in my questions and which would enrich our research?

I would like to thank you again for your answers which are invaluable in this research.

INTERVIEW GUIDE WITH MUSANZE PRISON AUTHORITIES

First of all, I would like to thank you for accepting to receive me. My name is Bonaventure MUVUNYI; I am a student in the University of Rwanda (UR), in Master's Programme in Peace Studies and Conflict Transformation. I am writing a thesis dissertation to be submitted in partial fulfillment of the requirements for the award of a Masters' degree of Arts in Peace Studies and Conflict Transformation. My research topic is on **Conditional release and its impact on safety and security in prison.**

I have chosen you as an interviewee because I presume that you are susceptible of giving answers which are useful in our research, especially that the time you have already spent in prison administration and your tact in solving different problems of inmates of this prison enable you to give me important information in my research.

The validity of this research will depend strongly on the way you answer my questions. That is the reason why I want you to feel free in your answers. I assure you the confidentiality of your answers which will be published nowhere else except in this research.

I will not write your name and at any time that you do not feel at ease, do not hesitate to tell me so that we may take a break or reformulate the question.

If you consent to this interview, let us begin our talk.

1. IDENTIFICATION

1. Sex: Male

Female

Married: Yes

No

If yes, how many children do you have? :

2. Age:

3. Level of education:

4. Experience in prison administration: years

5. What is your position in Musanze prison administration?

2. INTERVIEW

2.1. Directives relating to conditional release

1. In your opinion, what can be done to make the law relating to conditional release well known by all rightful applicants in a way that its application may be at a rate of 100%?
2. How much time is it required for a prisoner to be said that he/she is fully rehabilitated?
3. Your main responsibility is correction; how do you define correction? What is the usual roadmap for correction?
4. From your interaction with inmates, what is their take on conditional release?

➤ Grounds and practice of conditional release

1. What are the obstacles that you meet in the implementation of conditional release in your prison; and which measures can be taken to make this release regular and applicable to all rightful applicants?

2. Would you please give us figures about the following?

| Requested information \ Year | 2017 | 2018 | 2019 |
|---|------|------|------|
| Number of inmates who applied for conditional release | | | |
| Number of inmates who were granted conditional release. | | | |
| Number of recidivists returning after conditional release | | | |
| Crimes not eligible to conditional release | | | |

3. Relying on your experience, which measures should be reinforced to enable conditional release to yield more advantages at the same time creating a happy mood within prisoners serving their sentence?

4. Being member of the prison administration in charge of the inmate's correction, how would an inmate demonstrate his/her real change to the point of being listed among those for whom the prison administration is applying for conditional release?

➤ Safety and security in prison

1. Since the time you started this job of controlling inmates 'security, have you ever felt that there is something you lacked during your training for the job?

2. What can be done to make the communication between inmates and prison officers sufficiently enhance safety and security in prison?

3. In your prison, are there any rules and regulations regulating safety and security in prison? .
How is the inmate made aware of them?

2. Are there any rules and regulations regulating safety and security in your prison? How are they respected? What are the punishments given to the offenders of those rules and regulations? What do you suggest for strict respect of these rules and regulations?

➤ **Influence of conditional release in maintaining safety and security in prison**

1. How does the programme of conditional release help in maintaining safety and security in prison?

2.) Measures applied to maintain security in prison include: physical security measures; procedural security measures; dynamic security measures. What is the influence of these measures on the grant of conditional release to prisoners? (NB: in your answer, discuss each measure)

2.2. Conclusion

1. What are your suggestions which would help to reach correction of the inmate at the same time enabling the grant of conditional release to any applicant fulfilling all prerogatives?

2. What are the obstacles to perfect correction of the inmate and at the same time creating an impediment to regular occurrence of conditional release?

3. Which point did I not include in my questions and which would enrich our research?

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